

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**Before the Honorable Gregory J. Fouratt
United States Magistrate Judge**

Clerk's Minutes

Civ. No. 21cv485 DHU/GJF

Garcia v. Bd. of Cty. Comm'rs for the Cty. of Dona Ana, et al.

Date of Hearing: 12/15/2022

(held via Zoom and recorded in the Organ Courtroom)

Attorney for Plaintiff: Matthew Coyte

Attorney for Defendants: Henry Paoli

Proceeding: Motions Hearing

Start Time: 9:30 a.m.

Stop Time: 10:59 a.m.

Total Time: 1 hour 29 minutes

Clerk: EPS

Notes:

- The Court made introductions.
- The Court began by questioning Mr. Paoli. The Court's questions concerned, among other things, Defendant's contractual relationship with Dona Ana County, the exact requirements of Defendant's sentinel event policy, patient-safety work product under the Patient Safety and Quality Improvement Act of 2005 (PSQIA), and Tonya Mooningham's declaration.
- The Court gave Mr. Paoli an opportunity to argue several brief points of emphasis before turning to Mr. Coyte.
- The Court asked him questions regarding his view of a carceral-death PSQIA exception, the scope of *Tanner v. McMurray*'s holding, and Ms. Mooningham's declaration.
- The Court gave Mr. Coyte a similar opportunity to emphasize key points before allowing Mr. Paoli a brief rebuttal.
- The Court expressed "virtual certain[ty]" that the mortality review would exist separately and independently from PSQIA.
- Mr. Paoli promised to provide the Court a copy of Defendant's sentinel event policy by end-of-day Monday, December 19, 2022. Mr. Coyte also promised to verify that the

excerpt of the NCCHC standards, attached to his Motion to Compel as Exhibit 5, is current and accurate.

- The Court took the motion under advisement and announced its intention to issue a written decision by the end of January.
- The Court adjourned. (Refer to recording for additional details.)